

Application No.: 09/997081

Case No.: 57255US002

**Remarks**

Claims 1-14 are pending. Claims 12-14 have been withdrawn from consideration.

**§ 112 Rejections**

Claims 10 and 11 stand rejected under 35 USC § 112, second paragraph, as purportedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse.

Claims 10 and 11 depend from claim 1, which describes "A method of making a hydrophilic carbon fiber construction." Claim 10 (or 11) adds a limitation: that the hydrophilic carbon fiber construction is capable of wicking 200mg (or 250mg) of water per 40mg of its own weight. This is further supported in the specification, e.g., at page 6, lines 10-20 and in the Examples.

In summary, Applicants submit that the rejection of claims 10 and 11 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

**§ 102 Rejections**

The previous rejections of claims 1 and 3 under 35 USC § 102(a) as purportedly anticipated by Boccaccini have been withdrawn.

**§ 103 Rejections**

The previous rejections of claims 2 and 4-11 under 35 USC § 103(a) as purportedly unpatentable over Boccaccini taken alone have been withdrawn.

Claims 1-11 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Boccaccini in light of U.S. 5,840,414, (Bett). In addition, claims 1-11 stand rejected under 35 USC § 103(a) as purportedly unpatentable over U.S. 5,554,271 (Illston) in light of Bett.

In order to establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. As noted previously, Boccaccini fails to disclose or suggest a method of making a hydrophilic carbon fiber construction.

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Bett nowhere teaches a process of electrophoretic deposition, and is therefore inapposite to the present claims. In addition, the reference nowhere teaches the use of a carbon fiber construction, as recited in all of the rejected claims. Furthermore, Bett nowhere teaches the use of  $ZrO_2$ , as recited in claim 6, and nowhere teaches a hydrophilic carbon fiber construction capable of wicking 200mg or 250mg of water per 40mg, as recited in claims 10 and 11 respectively.

Illston likewise fails to teach the use of a carbon fiber construction, as recited in all of the rejected claims. Also like Bett, Illston nowhere teaches the use of  $ZrO_2$ , as recited in claim 6, and nowhere teaches a hydrophilic carbon fiber construction capable of wicking 200mg or 250mg of water per 40mg, as recited in claims 10 and 11 respectively.

For all of the foregoing reasons, the rejections of claims 1-11 under 35 USC § 103(a) have been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

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